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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EUGENIO PAZ PENA,

1:12-cv-00398 BAM (PC)

12 Plaintiff,

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

13 vs.

14 VAN BLARCOM, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to
18 42 U.S.C. § 1983.

19 The federal venue statute requires that a civil action, other than one based on diversity
20 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
21 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
22 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
23 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
24 which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

25 In this case, none of the defendants reside in this district. The claim arose in Marin County,
26 which is in the Northern District of California. Therefore, plaintiff’s claim should have been filed in
27 the United States District Court for the Northern District of California. In the interest of justice, a
28 federal court may transfer a complaint filed in the wrong district to the correct district. See 28

1 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
3 District Court for the Northern District of California.

4 IT IS SO ORDERED.

5 **Dated: March 19, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE